

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**BARKAN WIRELESS IP HOLDINGS,
L.P.,**

Plaintiff,

v.

**SPRINT COMMUNICATIONS CO. L.P.,
SPRINT SOLUTIONS, INC., and SPRINT
SPECTRUM L.P.,**

Defendants.

Civil Action No. 2:19-cv-00336-JRG

JURY TRIAL DEMANDED

**JOINT STIPULATION AS TO CERTAIN ASSERTED CLAIMS
AS CONSTRUED BY THE COURT'S CLAIM CONSTRUCTION ORDER**

Plaintiff Barkan Wireless IP Holdings, L.P. ("Barkan") and Defendants Sprint Communications Co. L.P., Sprint Solutions, Inc., and Sprint Spectrum L.P. ("Sprint") stipulate and agree as follows.

On December 8, 2020, this Court issued an order adopting Magistrate Judge Payne's October 26, 2020 claim construction order (the "Claim Construction Order"). The Claim Construction Order construed "tamper-free hardware" (in U.S. Patent No. 8,559,312, the "'312 Patent") and "tamper-free unit" (in U.S. Patent No. 9,392,638, the "'638 Patent") as "hardware" or a "unit" that "includes means to destroy its contents or delete information stored therein, if someone tries to tamper with it."

Based on these constructions and Sprint's discovery responses as to non-infringement, and subject to Barkan's right to appeal these and other constructions in the Claim Construction Order after entry of final judgment in this case, Barkan hereby stipulates to entry of judgment of non-

infringement of Claim 13 of the '312 Patent and Claims 1-4, 7-12, 15, 16, 18, 19, 28 and 29 of the '638 Patent (collectively, the "Stipulation Claims").

Each of Barkan's stipulations is subject to its right to appeal the Court's Claim Construction Order and any final judgment based thereon. Barkan and Sprint agree that no Rule 54(b) partial final judgment or interlocutory appeal will issue as to the Stipulation Claims. Rather, any appeal from the court's construction of these terms may be taken after the Court enters a final judgment in this action. This stipulation, the concurrently filed motion for partial entry of judgment, and any resulting order are also without prejudice to the parties' ability to challenge on appeal any aspect of the claim construction order and any eventual final judgment, and without prejudice to the parties' ability to advocate on appeal any alternative grounds supporting any aspect of an eventual final judgment.

DATED: January 11, 2021

Respectfully Submitted,

/s/ Max L. Tribble, Jr.

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*Counsel for Defendants Sprint Communications
Company L.P., Sprint Solutions, Inc., and Sprint
Spectrum L.P.*

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff has met and conferred with counsel for Defendants and this Stipulation is Joint.

/s/ William D. O'Connell
William D. O'Connell